MASTER AND SERVANT—INJURIES TO SERVANT—ACCIDENTAL OR IMPROBABLE INJURY.—NELSON-BETHEL CLOTHING CO. v. PITTS, 114 S. W. 331 (KY.).—*Held,* that a manufacturing company operating a number of sewing machines, the belts of which were passed over a shaft, was not bound to anticipate that an operator of a machine would get her hair caught in the shaft while stooping down to connect the belt of her machine with the shaft.

The prevailing American doctrine is that, for an injury which results from pure accident, or from causes which could not reasonably be anticipated, unaccompanied by want or ordinary care on the part of the master, he is not liable. *Earnshaw v. Western Stone Co.,* 200 Ill. 220; *McKee v. Chicago, etc., R. Co.,* 83 Ia. 616; *Moncuso v. Cataract Constr. Co.,* 34 N. Y. Supp. 273. The master must use ordinary diligence in providing safe machinery and secure places of employment for his servants; *Frank v. Otis,* 15 N. Y. St. Rep. 681; *Hallower v. Henley,* 6 Cal. 209; but the duty resting upon the master does not go to the extent of requiring him to make accidental injuries impossible. *Richards v. Rough,* 53 Mich. 212; *Siogren v. Hall,* 53 Mich. 274. If a servant knows, or by the exercise of ordinary care, might know, of the danger, continuance in service without objection results in a waiver and assumption of the risk; *Hoben v. Burlington & M. River R. Co.,* 20 Ia. 562; *Muldowney v. Ill. Central R. Co.,* Ia. 615; and some courts have gone so far as to hold that a servant assumes the risk when he is under virtual compulsion. *Mahoney v. Dore,* 155 Mass. 513; *Samson v. Am. Axe & Tool Co.,* 177 Mass. 144.

MURDER—EVIDENCE.—PEOPLE v. GOVERNALE, 86 N. E. 554 (N. Y.).—Where an officer was shot while attempting to arrest the accused, who had shot another person, *held,* that evidence of the latter shooting is inadmissible in a prosecution for the former, to prove the accused guilty of the crime charged.

Evidence tending to prove a similar but distinct offence from that for which the accused is being tried is not admissible for the purpose of raising an inference that he committed the crime of which he is accused. *Bishop v. People,* 194 Ill. 365. Evidence tending to prove other criminal acts, in order to support the probabilities of the evidence that the accused committed the particular act charged, is incompetent. *People v. Wilson,* 141 N. Y. 185; *Boyd v. U. S.,* 142 U. S. 450. Evidence of a distinct, independent, substantive offence cannot be admitted at the trial for another and different offence. But whether the facts amount to proof of a crime other than that charged, and there is ground to believe that the crime charged grew out of it, such facts may be proved to show the *quo animo* of the accused. *Farris v. People,* 129 Ill. 521; *Commonwealth v. Ferrigan,* 44 Pa. St. 386; *State v. Lapage,* 57 N. H. 245; *Mayer v. People,* 80 N. Y. 364. And, evidence of other transactions, otherwise material and relevant, is not inadmissible merely because it tends to prove another crime. *People v. Van Tassel,* 156 N. Y. 561; *Hope v. People,* 83 N. Y. 418. Evidence tending to prove material facts is admissible, although it may also tend to prove the commission of another offence. *Rice on Evidence,* Vol. III, § 155; *Starkie on Evidence,* Vol. II, § 380.